



CONTESTED PARENTING RIGHTS & RESPONSIBILITIES BETWEEN UNMARRIED PARENTS (For Plaintiff & Defendant)

An Informational Guide to a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided in this informational guide is not intended for legal advice but only as a general guide to a civil court process.

Carefully read this information and any instructions, laws, or court rules to which you are referred. If you are unsure if this information suits your circumstances, consult a lawyer.

You may go to court without a lawyer, but you must abide by the state or federal laws that apply to your case, the appropriate court rules, including North Dakota Rules of Civil Procedure, North Dakota Rules of Court, North Dakota Administrative Rules and Orders, and any local court rules. Links to the rules and state laws can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

This information is not a complete statement of the law. This covers basic information about the process of establishing parenting rights and responsibilities between unmarried parents when the parents do not agree. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state.

This informational guide to establishing contested parenting rights and responsibilities in North Dakota is made up of two sections:

The first section gives general information about contested parenting rights and responsibilities. (Pages 4-7)

The second section gives information about the basic contested parenting rights and responsibilities process from beginning to end. (Pages 8-19)

WARNING – Establishing parenting rights and responsibilities can have serious long-term legal and financial consequences. It is strongly recommended that you consult a lawyer and carefully consider all of your options before you represent yourself.

When you represent yourself, you are held to same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. This informational guide gives only the basics of the process. If you decide to represent yourself, you will need to do additional research to prepare.

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INFORMATION ABOUT CONTESTED PARENTING RIGHTS AND RESPONSIBILITIES IN NORTH DAKOTA

WHAT IS A CONTESTED PARENTING RIGHTS AND RESPONSIBILITIES ACTION?

Parents who have never been married to each other may ask a North Dakota District Court to establish parenting rights and responsibilities to their children. (Generally, establishing parenting rights and responsibilities between parents who are or were married to each other are part of divorce or legal separation proceedings.)

If you and the other parent **are not** in agreement on every issue in establishing parenting rights and responsibilities, you have a contested parenting rights and responsibilities action.

DOES THE ND LEGAL SELF HELP CENTER HAVE CONTESTED PARENTING RIGHTS AND RESPONSIBILITIES FORMS?

No, the ND Legal Self Help Center does not have a packet of forms for contested parenting rights and responsibilities actions. If you decide to represent yourself, you will need to create your own contested parenting rights and responsibilities documents. **The names and descriptions of the documents you will need to create are found throughout this guide.**

Although the ND Legal Self Help Center does not have forms or instructions for a contested parenting rights and responsibilities action in North Dakota district court, a variety of General-Use forms are available in the Guide to a Civil Action. You may find the General-Use forms of interest as a starting point for creating your own parenting rights and responsibilities documents.

The Guide to a Civil Action is available at www.ndcourts.gov/ndlshc by clicking on the "Guide to Civil Action" link. Links to the General-Use forms are located at the **end** of the Guide. You must scroll to the end of the Guide to find the active links to the forms.

You may find the forms in the Legal Services of North Dakota Family Law Manual of interest. The Legal Services of North Dakota Family Law Manual contains a variety of divorce forms that were created for lawyers to use as examples in family law cases. The Legal Services of North Dakota website is www.legalassist.org.

(References to the Legal Services of North Dakota Family Law Manual are for your convenience only. The ND Legal Self Help Center does not endorse, warrant, or accept responsibility for the content or uses of the Family Law Manual. You must independently determine the legal sufficiency of the forms in the Family Law Manual. Use at your own risk.)

IS THERE HELP AVAILABLE FOR CREATING LEGAL DOCUMENTS?

If you would like assistance creating your contested parenting rights and responsibilities documents, consult a lawyer licensed to practice in North Dakota. Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your contested parenting rights and responsibilities action, such as preparing legal documents, while you handle the rest of the action. You and the lawyer must agree in writing to Limited Legal Representation.

WHAT ARE THE DEFINITIONS OF SOME OF THE COMMONLY USED TERMS IN A PARENTING RIGHTS AND RESPONSIBILITIES ACTION?

Decision making responsibility – The responsibility to make decisions concerning the child. The term may refer to decisions on all issues or on specific issues, but not child support issues.

Home state – The state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

Parental rights and responsibilities – All the rights and responsibilities a parent has concerning the parent's child.

Parenting plan – A written plan describing each parent's rights and responsibilities.

Parenting schedule – The schedule of when the child is in the care of each parent.

Parenting time – The time when the child is to be in the care of a parent. (Also known as visitation.)

Primary residential responsibility – A parent with more than fifty percent of the residential responsibility.

Residential responsibility – A parent's responsibility to provide a home for the child. (Also known as custody.)

WHO ARE THE PARTIES IN A PARENTING RIGHTS AND RESPONSIBILITIES ACTION?

Plaintiff (or Petitioner) – The parent who starts the contested parenting rights and responsibilities action by serving a summons and complaint to establish parenting rights and responsibilities on the other parent.

Defendant (or Respondent) – The parent who is served the summons and complaint to establish parenting rights and responsibilities by the other parent.

WHAT IS THE NORTH DAKOTA RESIDENCY REQUIREMENT FOR ESTABLISHING PARENTING RIGHTS AND RESPONSIBILITIES?

[Chapter 14-14.1 of the North Dakota Century Code](#) governs which state can make decisions about child custody issues and enforce child custody orders.

A North Dakota District Court can establish parenting rights and responsibilities to a minor child when:

- North Dakota is the home state of the child on the date the parenting rights and responsibilities action starts; or
- North Dakota was the home state of the child within six months before the date the parenting rights and responsibilities action started, and the child is absent from this state but a parent or person acting as a parent continues to live in North Dakota; or
- North Dakota is not the home state, but a court of the child's home state declined jurisdiction because North Dakota is the more appropriate forum, and:
 - The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with North Dakota other than mere physical presence; and
 - Substantial evidence is available in North Dakota concerning the child's care, protection, training, and personal relationships.

WHAT ARE NORTH DAKOTA LAWS AND RULES RELATED TO ESTABLISHING PARENTING RIGHTS AND RESPONSIBILITIES?

[Chapter 14-09 of the North Dakota Century Code](#) governs parenting rights and responsibilities, such as custody, visitation, and child support. Review the entire Chapter.

[Chapter 14-14.1 of the North Dakota Century Code](#) governs which state can make decisions about child custody issues and enforce child custody orders. You will need to determine if a North Dakota District Court can establish parenting rights and responsibilities to your child.

Chapter 14-09 and 14-14.1 are Chapters within [Title 14 of the North Dakota Century Code](#). There are many other laws related to families in Title 14. You may find them of interest.

The North Dakota Rules of Civil Procedure apply to civil matters in North Dakota district courts. The rules are found at www.ndcourts.gov/rules. Click on the "Civil Procedure, North Dakota Rules of" link.

The North Dakota Rules of Court apply to civil matters in North Dakota district courts. The rules are found at www.ndcourts.gov/rules. Click on the “Rules of Court, North Dakota” link. See particularly:

- Rule 8.2 (Interim Orders), and
- Rule 8.4 (Summons).

The North Dakota Rules of Evidence apply to civil matters in North Dakota district courts. The rules are found at www.ndcourts.gov/rules. Click on the “Evidence, North Dakota Rules of” link.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

WHAT ARE COMMON ISSUES IN A PARENTING RIGHTS AND RESPONSIBILITIES ACTION?

- Residential responsibility of children, also known as custody
- Parenting time, also known as visitation
- Decision making responsibilities
- Child support
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

When parents cannot agree on residential responsibility and parenting time, the court will decide based on the best interests of the children. The best interest factors are found in [§ 14-09-06.2 of the North Dakota Century Code](#).

Child Support:

Child support is based on guidelines set by the North Dakota Department of Human Services. If a parent can show a different ability to earn income than the guidelines show, the court may order a higher or lower child support payment.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator. The Calculator can be found at <http://www.nd.gov/dhs/services/childsupport/progserv/guidelines/guidelines.html>.

The Child Support Division may be able to provide some assistance with your child support calculations. (701-328-5440; 800-231-4255) Court personnel and staff of the ND Legal Self Help Center cannot assist with child support calculations.

THE CONTESTED PARENTING RIGHTS AND RESPONSIBILITIES PROCESS IN NORTH DAKOTA FROM BEGINNING TO END

PART ONE: THE PLAINTIFF STARTS THE CONTESTED PARENTING RIGHTS AND RESPONSIBILITIES ACTION BY SERVING THE SUMMONS AND COMPLAINT ON THE DEFENDANT

Service of a copy of the summons and complaint on the other parent starts a parenting rights and responsibilities action in North Dakota. When the summons and complaint are served, both parents must obey the restraining provisions contained in the summons.

The Plaintiff Creates the Following Documents:

- Summons
 - Review [Rule 8.4](#) of the North Dakota Rules of Court. Notifies the Defendant that the Plaintiff started the parenting rights and responsibilities process and the Defendant must file a written answer in order to participate in the case. See the “Summons form –Actions to Establish Parental Rights and Responsibilities” in the [Guide to Civil Action](#).
- Complaint
 - Gives the court information about the Plaintiff, Defendant, and their children. Tells the court what the Plaintiff is asking for from the court.
- Affidavit of Custody Jurisdiction
 - Plaintiff’s sworn, written statement required by [§ 14-14.1-20](#) of the North Dakota Century Code. The Affidavit must include:
 - Each child's present address or whereabouts;
 - The places where each child has lived during the last five years;
 - The names and present addresses of the persons with whom each child lived during the last five years;
 - Whether the Plaintiff has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or

- visitation with each child and, if so, identify the court, the case number, and the date of the child custody determination, if any;
- Whether the Plaintiff knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and
- Whether the Plaintiff knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.
- Confidential Information Form
 - Review [Rule 3.4](#) of the North Dakota Rules of Court. Lists the full confidential information that is not allowed to appear in documents filed with the court. This form is not a part of the public court record. See the form in [Appendix H](#) of the North Dakota Rules of Court.

Make TWO copies of the completed Summons, TWO copies of the completed Complaint and TWO copies of the completed Affidavit of Custody Jurisdiction. Keep one copy of each for your records. The other copy of each document is for service on the Defendant.

A copy of the completed Confidential Information form is not served on the Defendant. You file the Confidential Information form with the Clerk of District Court later in the process.

The Plaintiff Arranges for Service of Copies of the Following Documents on the Defendant:

- Summons
- Complaint
- Affidavit of Custody Jurisdiction

If the Defendant is represented by a lawyer, serve the copy of the summons, complaint, and affidavit of custody jurisdiction on the lawyer.

Service of the summons and complaint on the Defendant starts the contested parenting rights and responsibilities action. Filing with the Clerk of District Court does not start a parenting rights and responsibilities action and is not required to start a parenting rights and responsibilities action.

Information about service to start a civil action and blank affidavit of service forms are available at www.ndcourts.gov/ndlshc by clicking on the "Service" link.

The completed affidavit of service document is your proof of service. Make a copy of the completed affidavit of service document for your records.

You file the original, completed affidavit of service document with the Clerk of District Court later in the process. The District Court will not act on your parenting rights and responsibilities action until you file proof of service.

PART TWO: THE DEFENDANT SERVES A WRITTEN ANSWER TO THE SUMMONS AND COMPLAINT ON THE PLAINTIFF

Service of the summons and complaint on the Defendant starts the contested parenting rights and responsibilities action. Filing with the Clerk of District Court does not start a parenting rights and responsibilities action and is not required to start a parenting rights and responsibilities action.

The Defendant has twenty-one (21) days, not including the date of service, to serve a written answer on the Plaintiff. If the Plaintiff is represented by a lawyer, serve the written answer on the lawyer. If the Defendant does not respond within twenty-one (21) days, not including the date of service, the Plaintiff can ask the court for a default judgment.

The Defendant Creates the Following Documents:

- Answer
 - Defendant's written response to the Plaintiff's complaint. If the Defendant has counterclaims related to the parenting rights and responsibilities action, counterclaims are included in the answer. See the "Answer form" and the "Answer and Counterclaim form" in the [Guide to Civil Action](#).
- Affidavit of Custody Jurisdiction
 - Defendant's sworn, written statement required by [§ 14-14.1-20](#) of the North Dakota Century Code. The Affidavit must include:
 - Each child's present address or whereabouts;
 - The places where each child has lived during the last five years;
 - The names and present addresses of the persons with whom each child lived during the last five years;
 - Whether the Defendant has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with each child and, if so, identify the court, the case number, and the date of the child custody determination, if any;
 - Whether the Defendant knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination

- of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and
 - Whether the Defendant knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.
- Confidential Information Form
 - Review [Rule 3.4](#) of the North Dakota Rules of Court. Lists the full confidential information that is not allowed to appear in documents filed with the court. This form is not a part of the public court record. See the form in [Appendix H](#) of the North Dakota Rules of Court.

Make TWO copies of the completed Answer and TWO copies of the completed Affidavit of Custody Jurisdiction. Keep one copy of each for your records. The other copy of each document is for service on the Plaintiff, or the Plaintiff's lawyer.

A copy of the completed Confidential Information form is not served on the Plaintiff. You file the Confidential Information form with the Clerk of District Court later in the process.

The Defendant Arranges for Service of Copies of the Following Documents on the Plaintiff:

- Answer
- Affidavit of Custody Jurisdiction

If the Plaintiff is represented by a lawyer, serve the copy of the answer and affidavit of custody jurisdiction on the lawyer.

Information about service after a civil action has started and blank affidavit of service forms are available at www.ndcourts.gov/ndlshc by clicking on the "Service" link.

The completed affidavit of service document is your proof of service. Make a copy of the completed affidavit of service document for your records.

You file the original, completed affidavit of service document with the Clerk of District Court later in the process. The District Court will not act on your parenting rights and responsibilities action until you file proof of service.

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PART THREE: DISCOVERY; FILING OF SUMMONS AND COMPLAINT; FILING OF ANSWER

You May Begin the Discovery Process:

Once the contested parenting rights and responsibilities action starts, both parents may begin the discovery process.

Discovery is a formal process where the Plaintiff and Defendant ask each other for information. The Plaintiff and Defendant may also ask non-parties for information.

For more information about discovery, see the “Discovery” Section of the [Guide to Civil Action](http://www.ndcourts.gov/ndlshc) at www.ndcourts.gov/ndlshc.

File the Summons and Complaint:

Filing is bringing or sending documents to the Clerk of District Court’s office and asking the clerk to file the documents. If a filing fee is required, the filing fee is paid before the documents are accepted for filing.

Although filing is not required to start a contested parenting rights and responsibilities action, there are actions that a court cannot take until the summons and complaint are filed. For example, if you need to request something from the court, such as an order or a subpoena, the summons and complaint is filed first.

File the following original, completed documents with the Clerk of District Court and pay the filing fee:

- Summons
- Complaint
- Affidavit of Custody Jurisdiction
- Proof of Service of Summons, Complaint and Plaintiff’s Affidavit of Custody Jurisdiction on Defendant
- Confidential Information Form

If the Clerk of District Court accepts your documents for filing, a case number will be assigned.

The parent who filed the above documents must serve notice of filing on the other parent. See the “Notice of Filing form” in the [Guide to Civil Action](http://www.ndcourts.gov/ndlshc).

For more information about filing documents in a civil court action, including when the Defendant may file the summons and complaint, see the “Filing Documents with the District Court” Section of the [Guide to Civil Action](http://www.ndcourts.gov/ndlshc) at www.ndcourts.gov/ndlshc.

The Defendant Files the Answer:

Within a reasonable time after receiving notice of filing of the summons and complaint, the Defendant must file the following original, completed documents with the Clerk of District Court and pay the filing fee:

- Answer
- Defendant's Affidavit of Custody Jurisdiction
- Proof of Service of Answer and Defendant's Affidavit of Custody Jurisdiction on Plaintiff
- Defendant's Confidential Information Form

The Defendant must serve notice of filing the answer on the Plaintiff. See the "Notice of Filing form" in the [Guide to Civil Action](#).

PART FOUR: AFTER THE CONTESTED PARENTING RIGHTS AND RESPONSIBILITIES SUMMONS AND COMPLAINT ARE FILED WITH THE CLERK OF DISTRICT COURT

You May Be Referred to Family Mediation:

Within 10 days of filing the contested case, you may be referred to the Family Mediation Program for mediation of the disputed or unresolved parental rights and responsibilities issues. The Family Law Mediation Program will provide up to 6 hours of combined pre-mediation orientation and mediation at no cost to the parents.

If your case is referred to the Family Mediation Program, you will receive an order and schedule for mediation. Read the order and schedule carefully, as you will need to follow the requirements and meet the deadlines.

Either Parent May Request an Interim or Temporary Order:

Review [Rule 8.2](#) of the North Dakota Rules of Court.

Generally, both parents can request an interim order after a contested parenting rights and responsibilities action is filed. This is a request for a temporary order for support, parental rights and responsibilities, and attorney's fees and costs. The interim order, if signed by the court, is in effect until there is a different or final decision in the case.

The ND Legal Self Help Center does not have forms or instructions for making a motion for an interim order or answering a motion for an interim order. For more information about making and answering motions in a civil action, including the type of documents you will need to create, see the "Motions" Section of the [Guide to Civil Action](#) at www.ndcourts.gov/ndlshc.

Appointment of a Parenting Investigator or Guardian Ad Litem for the Child(ren):

Review [§ 14-09-06.3](#) and [§ 14-09-06.4](#) of the North Dakota Century Code. Review [Rule 8.6](#) and [Rule 8.11](#) of the North Dakota Rules of Court.

Either parent may petition the court to appoint a parenting investigator or a guardian ad litem to represent the child concerning parenting rights and responsibilities.

The court may require one or both parents to pay the guardian ad litem or investigator fees.

If neither parent is able to pay the fees, the court may require that the county pay the fees, in whole or in part. The court may then require one or both parents to reimburse the county, in whole or in part, for payment of the fees.

Prepare Proposed Parenting Plans:

A parenting plan is required to be part of the final parenting rights and responsibilities judgment.

If you and the other parent do not agree to a parenting plan, you will each likely need to prepare a proposed parenting plan as part of the contested parenting rights and responsibilities proceedings.

The State Bar Association of North Dakota created a Model North Dakota Parenting Plan that may be of interest to you. It is found in the Parenting Plan section of the Legal Services of North Dakota Family Law Manual. It is also found in the Forms section of the State Bar Association of North Dakota website of www.sband.org.

Parents May Settle All or Part of the Issues in the Contested Parenting Rights and Responsibilities Action:

At any point during the contested parenting rights and responsibilities action, parents may discuss settlement of all or part of the issues.

If you and the other parent reach an agreement on an issue, prepare a written settlement agreement. This may also be referred to as a stipulation or a stipulated agreement. Written settlement agreements must be signed by both parents in the presence of a notary public.

Written settlement agreements are filed with the Clerk of District Court.

Parents May Request, or the Court May Order, a Pre-Trial Conference:

Review [Rule 16](#) of the North Dakota Rules of Civil Procedure.

Either parent may request a pre-trial conference in writing. The court may order a pre-trial conference. Rule 16 lists the events that, if triggered, require the court to schedule a pre-trial conference. Depending on the circumstances of the parenting rights and responsibilities action, more than one pre-trial conference may be required.

The purpose of the pre-trial conference is:

- To expedite disposition of the parenting rights and responsibilities action;
- To establish early and continuing control so that the parenting rights and responsibilities action will not be drawn-out because of lack of management;
- To discourage wasteful pre-trial activities;
- To improve the quality of the trial through more thorough preparation;
- To facilitate settlement; and
- To discuss the desirability of using alternative dispute resolution.
 - Information about [Alternative Dispute Resolution](#) is available at www.ndcourts.gov.

At any pre-trial conference, the court may consider and take appropriate action on the matters and issues listed in Rule 16.

After any pre-trial conference, the court must issue an order detailing the action taken.

Read the order and schedule carefully, as you will need to follow the requirements and meet the deadlines.

Prepare for and Attend All Scheduled Hearings:

Various types of hearings may occur throughout your contested parenting rights and responsibilities action. For example, you may have a hearing on a motion for an interim order, a scheduling conference, or a pre-trial conference.

You must attend all hearings that are scheduled unless you have received permission from the court not to attend.

You can ask the court for permission to attend a hearing by telephone or by some other reliable electronic means. The court is not required to grant this type of request. Forms and instructions for this request can be found at www.ndcourts.gov/ndlshc.

PART FIVE: PRE-TRIAL PREPARATION

If you and the other parent do not reach a settlement on all issues, your contested parenting rights and responsibilities action will eventually go to trial. Issues on which you and the other parent do not agree will be decided by a District Court Judge or a Judicial Referee.

Caution! Preparing for trial is often a complex and confusing process. You are held to same requirements and responsibilities as a lawyer, even if don't understand the rules or procedures. This informational guide gives only the basics of the process. You will need to conduct additional research to prepare.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

Prepare for and Attend the Pre-Trial Conference:

Both parents must attend the pre-trial conference, unless excused by the court.

Both parents must come to the pre-trial conference prepared to discuss the matters and issues listed in [Rule 16](#) of the North Dakota Rules of Civil Procedure.

Review your scheduling order carefully!

Each parent is required follow the requirements and deadlines in the scheduling order.

Copies of documents each parent prepares as required by the scheduling order must be served on the other parent. The original must be filed with the Clerk of District Court.

The Plaintiff arranges for service of copies of documents on the Defendant.

The Defendant arranges for service of service of copies of documents on the Plaintiff.

Information about service after a civil action has started and blank affidavit of service forms are available at www.ndcourts.gov/ndlshc by clicking on the "Service" link.

Finish Your Pre-Trial Preparations:

Review the [North Dakota Rules of Evidence](#) carefully! The North Dakota Rules of Evidence govern whether your evidence is admitted at trial. The Rules also govern how you object to evidence the other parent wants to admit at trial.

Review [Rule 45](#) of the North Dakota Rules of Civil Procedure carefully! If you require a witness to appear at trial or require production of documents, electronically stored information or other tangible things, you may need the Clerk of District Court to issue a subpoena. Only a Clerk of District Court or a lawyer for a party may issue a subpoena.

Organize the information, documents, etc. that you think you will need for the trial. At minimum, prepare an outline of your remarks and arguments.

PART SIX: TRIAL

The trial is an examination of the facts and law, presided over by the judge or judicial referee. The trial is the final hearing in a contested parenting rights and responsibilities action. The decision of the judge or judicial referee is called a judgment.

Caution! Representing yourself at trial is often a complex and confusing process. You are held to same requirements and responsibilities as a lawyer, even if don't understand the rules or procedures. This informational guide gives only the basics of the process. You will need to conduct additional research to prepare.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

Arrive Early to the Courthouse on the Date of the Trial:

Do not miss your trial date and time. If you have a serious, unavoidable reason you cannot get to court on the date and time scheduled for trial, call the Clerk of District Court as soon as you can.

Conduct of the Trial:

The judge or judicial referee, in a contested parenting rights and responsibilities trial, hears both sides and then issues a final judgment. Sometimes, the final judgment is issued at the end of the trial. Often, the final judgment is issued at a later date.

In general, a trial in a contested parenting rights and responsibilities action proceeds in the following order:

- Opening Statements
 - Each parent gives an opening statement. Usually, the Plaintiff goes first.
- Plaintiff Presents Witnesses and Evidence
 - The Plaintiff presents their case first. The Defendant may cross-examine witnesses and object to the Plaintiff's evidence.
- Defendant Presents Witnesses and Evidence
 - The Defendant presents their case after the Plaintiff. The Plaintiff may cross-examine witnesses and object to the Defendant's evidence.
- Closing Arguments
 - Each parent gives a closing argument. Usually, the Plaintiff goes first.

Before you Leave the Courthouse:

Make sure you understand what happens next. Ask if you are not sure what, if anything, you need to do next.

PART SEVEN: FINAL JUDGMENT

Parenting rights and responsibilities are not established until a final judgment establishing parenting rights and responsibilities is signed by the judge or judicial referee and filed with the Clerk of District Court.

Proposed Findings of Fact, Conclusions of Law and Order for Judgment:

Review [Rule 52](#) of the North Dakota Rules of Civil Procedure and [Rule 7.1](#) of the North Dakota Rules of Court carefully!

Findings of fact are the judge's or judicial referee's written determination of the facts made from the evidence presented. This explains what facts the judge or judicial referee found to be true.

Conclusions of law are the rulings of law made by the judge or judicial referee based on, or in connection with, the findings of fact. These are the legal consequences of the facts the judge or judicial referee found to be true.

The judge or judicial referee may require one or both parents to prepare and file proposed findings of fact, conclusions of law and an order for judgment. The proposed findings of fact, conclusions of law and an order for judgment must also be served on all parties, and proof of service filed with the Clerk of District Court.

The judge or judicial referee will decide whether the proposed findings of fact, conclusions of law and order for judgment are appropriate. If the judge or judicial referee decides they are appropriate, the judge or judicial referee will sign and date the findings of fact, conclusions of law and order for judgment. The findings of fact, conclusions of law and order for judgment are not official until signed and dated by the judge or judicial referee.

Proposed Judgment:

Review [Rule 54](#) of the North Dakota Rules of Civil Procedure and [Rule 7.1](#) of the North Dakota Rules of Court carefully!

The judgment is the written order of the judge's or judicial referee's final decision in your contested parenting rights and responsibilities action.

The judge or judicial referee may require one or both parents to prepare and file a proposed judgment. The proposed judgment must also be served on all parties, and proof of service filed with the Clerk of District Court.

The judge or judicial referee will decide whether the proposed judgment is appropriate. If the judge or judicial referee decides it is appropriate, the judge or judicial referee will sign and date the judgment. Parenting rights and responsibilities are not established until a final judgment establishing parenting rights and responsibilities is signed by the judge and filed with the Clerk of District Court.

Notice of Entry of Judgment

Review [Rule 58](#) of the North Dakota Rules of Civil Procedure.

Within 14 days after the judgment is entered, the prevailing parent must serve notice of entry of judgment on the other parent. A copy of the judgment must be included with the notice of entry of judgment. See the “Notice of Entry of Judgment form” in the [Guide to Civil Action](#).

After service is complete, the prevailing parent must file the original, completed Notice of Entry of Judgment and proof of service on the other parent with the Clerk of District Court.